

Minutes of Regular Town Board Meeting of the Township of Spring Green

Proceedings of the Town of Spring Green Regular Board Meeting, held at 7:00 pm on Thursday, October 3, 2019 at the Town Hall located at E4411 Kennedy Road, Spring Green, Wisconsin:

1. **Call to Order:** Kevin Lins, Town Chairperson called the meeting to order at 7:03 pm
2. **Legal Posting:** Kevin Lins certified compliance with the open meeting law.
3. **Roll Call:** Members present were Chairperson Kevin Lins, Supervisor Dave Radel, Supervisor Carla Carmody, Clerk Vicki Terpstra, Treasurer Karen Shelton and Patrolman Andrew Shimniok. Also present was Town attorney Natalie Bussan.
4. **Adopt Agenda:** Radel made a motion to adopt the agenda as presented. Carmody seconded. Motion carried.
5. **Approval of the Minutes from the September 5th, 2019 Regular Town Board Meeting:** Clerk's notes did not include actions from the last two agenda items. Carmody made a motion to approve minutes with amended changes to agenda items d. and e. as follows. Radel seconded. Motion carried.
 - Agenda item d. - Motion by Radel and seconded by Carmody to proceed with purchase of small snowplow equipment up to \$13,000. Motion carried. There was discussion on renting vs. purchasing chipper but no action was taken. Lins made a motion to contribute 5% of annual budget amount for phase 3 of the broadband project and Radel seconded. Motion carried.
 - Agenda item e. - Lins was going to check on mower to reach center of the ditch. Shimniok was going proceed. No action taken by Board.
6. **Communications:** Lins mentioned a Class Action Notice regarding National Prescription Opiate Litigation, a Letter from Ridgland Farms and documents from Jeff Maier for proposed Timber Run Development Agreement and Timber Run Declaration of Restrictions.
7. **Clerk's Report:** Terpstra presented the Clerk's report.
8. **Treasurer's Report:** Shelton presented the Treasurer's report. Radel made a motion and Carmody seconded to file treasurer's report as presented. Motion carried.
9. **Approve Monthly Bills/Invoices for Payment:** Radel made a motion and Carmody seconded to approve payment of the monthly bills/invoices. Motion carried.
10. **Chairman & Supervisor Reports:** Lins presented the Chairman's report, and Radel and Carmody presented Supervisor reports summarizing activity for the month of September.
11. **Reports: (For discussion and/or action by the Town Board)**
 - a. Patrolman - Shimniok presented the patrolman report.
 - b. Building Inspector – No inspections were reported for September.
 - c. Emergency Planning – No meeting last month.
 - d. Plan Commission – No meeting last month.
 - e. Extraterritorial Zoning Committee - lausly presented the JEZC review and recommendation to deny the rezoning application for agenda item 12.a.
 - f. Fire District -- Radel stated there was no meeting last month, and a budget would be developed this month.
12. **Agenda Items for discussion and/or action by the Town Board (Limited Public Comment may be allowed):**
 - a. **Discussion/possible action on an application by James and Carol Schmitt for a rezone on parcel 032-1581-11111, E3743 Kennedy Road from (SFR) Single Family Residential Zoning District to (AG) Agricultural Zoning District**

Fred lausly presented the Plan Commission meeting discussion and recommendations, and stated that a motion to recommend approval by Town Board for rezoning failed, so the Commission's recommendation was to deny the request for Schmitt rezone application. Carmody made a motion to deny the application and Radel seconded. Motion carried.

Attorney Bussan mentioned that a certified copy of a resolution is needed for denial of rezone request and there is a timeline for submitting the resolution to the Sauk County Land Resource and Environment Department. Carmody made a motion to adopt a resolution disapproving rezone of agenda item 12.a. and authorize Town Chair and Town Clerk to attest and forward to Sauk County Land Resource and Environment Department. Radel seconded. Motion carried.

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- b. **Discussion/possible action on a presentation by Janet Maodush for a CSM to combine Lots 4-6 of the Wismar Forest Plat/Subdivision, off of Ellen Road**
Nick Jennings presented a Certified land Survey map and Fred lausly recommended approval. Radel made a motion to approve the CSM to combine lots 4, 5 and 6 etc. Radel seconded. Motion carried.
- c. **Discussion/possible action on reviewing the procedure for a Town open records request**
Radel and Terpstra asked for clarification from attorney on open records requirements. No action was taken.
- d. **Discussion/possible action on attorney drafted ordinances regarding Dog Breeding Facilities and Dog Breeding Facilities for Research and discussion on kennel licensing process**
A revised ordinance proposal was presented and was passed on to Attorney Bussan. Bussan stated that Sauk County directed Terpstra to sign a kennel license document they created, although the Town does not require such a document. Bussan and the Sauk County Corp. Counsel have not yet determined whether that document is necessary.
- e. **Discussion/possible action on request for waivers from Town Driveway Ordinance Specifications by Stephen and Mary Peterzak**
Attorney Peter Curran represented the Peterzaks regarding the proposed Leone Road private drive and they are willing to comply with 3 of the conditions and are still requesting waivers to the others. Attorney Bussan said there were 8 requested waivers and based on the information presented they are unwilling to comply with any of them. Neighbors Bill Falcon, and Mark and Mel Levy along with their attorney, Tia Fisher spoke about their concerns. Fisher said the shared driveway agreement was only with Falcon and did not include the Levys, and there has been no communications from Peterzaks since October 2017. Bussan reviewed the driveway ordinance and comprehensive plan meaning/goal and recommended that the Board needs to cite reasons if they decide to deny the waivers. Lins stated that a maintenance agreement is essential because there are four properties using the shared driveway. Radel and Carmody agreed that a maintenance agreement is needed to define who is going to be responsible for maintenance and upkeep, tree removal and snow plowing. Lins stated that the Plan Commission recommended denial of the waivers. Carmody made a motion to deny request for waivers for the town ordinance driveway specifications for the Peterzaks, for reasons already stated. Radel seconded. Motion carried.
- f. **Discussion/possible action on lowering the speed limit on Mercer Road to 45 mph**
Chad Johnson and another resident who lives on Mercer Road stated their concerns about vehicles speeding on Mercer Road. Radel made a motion to lower the full length of Mercer Road to 45 mph. Carmody seconded. Motion carried.
- g. **Discussion/possible action on adding a Fire Prevention and Safety Ordinance to the Code of Ordinances**
Radel introduced a revised Fire Prevention and Safety ordinance and explained that the major change from the existing ordinance would be that inspections required once per year instead of twice per year. Lins made motion to create and add to the code of ordinances the proposed Fire prevention and Safety ordinance as recommended. Radel seconded. Motion carried.
- h. **Discussion/possible action on attending the WTA Convention at the Kalahari Resort October 13th through October 15th**
Carmody made a motion to authorize \$150 fee for the Clerk to attend WTA convention at Kalahari October 13-15. Lins seconded. Motion carried.

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- i. **Discussion/possible action on applying for an Election Security Subgrant from the Wisconsin Elections Commission**
Lins suggested putting on the table for next month's meeting after Terpstra has attended a webinar to learn more about the Subgrant.
 - j. **Discussion/possible action on applying for TRIP, TRID and Multimodal Local Supplement funding for future Town Road projects**
Lins summarized the MLS funding and stated that the TRIP grant application due next month. He recommended applying for chip seal and asked Patrolman Shimniok to suggest the roads that need work and after discussion Lins recommended that the Town should chip seal Kennedy Road between the Village and Big Hollow Road. Radel stated that a 2-year road plan is needed for the grant application. Radel made a motion to apply for TRIP fund for 1.25 mile of Kennedy Road and to submit a 2-year plan for chip-seal for Kennedy Road east west of village to Big Hollow Road. Carmody seconded. Motion carried.
Lins stated that for the TRID Multimodal Local Supplement funding there is \$2,870,450 allocated for the Town and Multimodal pays 90%. Lins suggested hiring Jewell to do TRIP and TRID projects and grant application again. Lins said no motion was necessary and suggested contacting Jewell to do the grant applications.
 - k. **Convene into closed session under Section 19.85(1)(c) of the Wisconsin Statutes for "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."**
Radel made a motion to convene into closed session. Carmody seconded. Roll call vote. 3 yes. Motion carried.
 1. Review and approve closed session agenda
 2. Discussion/possible action on Town Patrolman contract and year-end review
 3. Discussion/possible action on backup snowplow driver employment
 - l. **Reconvene into open session:** Reconvened into open session at 10:13 pm.
 - m. **Discussion/possible action on Town Patrolman contract**
Radel made motion to update 2020 contract with suggested changes. Carmody seconded. Motion carried.
 - n. **Discussion/possible action on backup snowplow driver employment**
No action was taken on hiring a backup snowplow driver. There was discussion and a decision to run ad in paper and perform interviews for part-time seasonal help for winter snow removal for both CDL and non-CDL drivers, and offer of performance incentive.
13. **Comment from the Public (Be advised that there may be limited discussion on the information received, however, no action will be taken under public comment)**
Some members of the public returned after closed session. One person commented on the letter from Ridgman Farms and the proposed ordinance, another stated that Spring Green is cultural and we are not dog breeders, and one person asked about the process for ordinances and if it was published anywhere. Radel added some information about the fire report that was not covered in the agenda item, and Lins asked Terpstra to mention a notice stating how much money the Town will receive in transportation aids.
14. **Adjourn:** Radel made a motion to adjourn. Carmody seconded. Motion carried.